

REMARKS

Applicant respectfully requests reconsideration of this application, and reconsideration of the Office Action dated August 31, 2004. Upon entry of this Amendment, claims 3, 5, and 6 will remain pending in this application. Both claims 3 and 5 have been amended by rewriting them in independent form including each feature of the base claim and any intervening claims. Furthermore, the change to claim 3 to recite "equal intervals" is supported at page 14, lines 1 to 3 of the specification. No new matter is incorporated by this paper.

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Claims 1, 2, and 4-6 are rejected under 35 U.S.C. § 102(b) as purportedly anticipated by Rudolph et al. (U.S. Pat. No. 4,989,374). The Office Action asserts Rudolph describes each feature of the claims and thus anticipates the claimed invention. Applicant respectfully traverses. Applicant notes claims 1, 2, and 4 have been canceled.

Independent claim 5 (from which claim 6 depends) concerns a machining apparatus. The apparatus includes a selective rotation inhibiting means. The selective rotation inhibiting means includes an elastic biasing means for elastically biasing the stop member to the nonoperating position. The elective rotation inhibiting means also includes a forced slide means for selectively sliding the stop member to the operating position against an elastic biasing action of the elastic biasing means.

The Office Action asserts that Rudolph describes an elastic biasing means 158 that elastically biases the stop member 160 to the non-operating position. However, Applicant respectfully disagrees. In Rudolph's machine, the elastic biasing means does not elastically bias the stop member (i.e. bolt 160) to the non-operating position, but rather biases the stop member to the operating position. This is opposite to Applicant's invention as explained above. It therefore can not teach or suggest Applicant's arrangement of claim 5 to those of ordinary skill in the art. In addition, in Rudolph's machine, when the rotating

spindle is not rotated, the rotation of the rotating spindle is always inhibited. In this way, the rotation inhibiting means disclosed by Rudolph also is completely different from the rotation inhibiting practiced by Applicant's invention. Hence, Rudolph fails to teach or fairly suggest each and every feature of independent claim 5 and thus cannot anticipate the claimed invention.

In view of the above remarks, Applicant submits that this rejection is overcome and respectfully requests it be withdrawn.

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Claim 3 is rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Rudolph et al. Applicant also respectfully traverses this rejection.

Independent claim 3 also concerns a machining apparatus. The apparatus of claim 3 includes a plurality of stop concavities formed at equal intervals in a circumferential direction. In the machine of claim 3, even though stop concavities are formed in the outer peripheral surface of the rotating spindle, the rotating spindle is well balanced for rotating.

In contrast, in the machine disclosed by Rudolf, only one concavity (recess 164) is formed on the outer side of the hollow shaft (26). Thus, as compared to Applicant's claimed arrangement, Rudolf's shaft is ill-balanced during rotation. In the Office Action it was asserted, "It would have been obvious to include a plurality of stop concavities ..., since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art." However, Applicant respectfully submits that if the Office Action were correct and Applicant's recited plurality obvious, such would have been shown or at least suggested within Rudolf. Applicant's arrangement has the distinct advantage of balancing the rotating spindle during rotation. Applicant submits that Rudolf did not recognize this object or Applicant's claim feature that attains it. Applicant's equal intervalled concavities therefore would not have been obvious, and are not merely duplication of an essential part.

In view of the above remarks, Applicant submits that this rejection is overcome and respectfully requests that it be withdrawn.

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Claim 7 is rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Kajiyama et al. (U.S. Pat. No. 6,171,176) in view of Rudolph et al. Claim 7 has been canceled by this Amendment, thereby rendering this rejection moot.

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Applicant respectfully submits that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033773.061.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033773.061.

Respectfully submitted,
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